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**SEP 11 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Richard P. Junghans :  
Application No. 10/006,773 : DECISION ON PETITION  
Filing Date: December 10, 2001 : UNDER 37 C.F.R. § 1.137(B)  
Title: ANTIBODIES AS CHIMERIC :  
EFFECTOR CELL RECEPTORS AGAINST :  
TUMOR ANTIGENS :

This is a decision on the petition under 37 C.F.R. §1.137(b)<sup>1</sup>,  
filed June 26, 2006, to revive the above-identified application.

The above-identified application became abandoned for failure to  
reply in a timely manner to the non-final Office action, mailed  
June 22, 2005, which set a shortened statutory period for reply  
of three months. No response was received, and no extensions of  
time under the provisions of 37 C.F.R. §1.136(a) were requested.  
Accordingly, the above-identified application became abandoned on  
September 23, 2005. A notice of abandonment was mailed on  
February 17, 2006.

37 C.F.R. §1.137(b)(3) requires a statement that the entire delay  
in filing the required reply from the due date for the reply

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<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice,  
unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from  
the due date for the reply until the filing of a grantable petition  
pursuant to this paragraph was unintentional. The Commissioner may  
require additional information where there is a question whether the  
delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required  
pursuant to paragraph (d) of this section.

until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

With the present petition, Petitioner has submitted the petition fee, a statement which is being construed as the proper statement of unintentional delay, and an amendment. It is noted that a terminal disclaimer is not necessary.

Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment which was received with the present petition can be processed.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



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United States Patent and Trademark Office